IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 7876 of 2002

Between:

Little Angles English Medium High School,

Moolapet, Nellore, rep.by its Correspondent Chatla Narasimha

S/o.Ch.Pitchaiah, aged 49 years,

... PETITIONER

AND

1. The State of Andhra Pradesh,
   Rep.by Secretary, School Education Dept,
   Secretariat, Hyderabad.
2. The Regional Joint Director,
   School Education, Guntur, Guntur District.
3. The District Educational Officer,
   Nellore, Nellore District.
4. Ravindra Bharathi Educational Society,
   Fathekhan Pet, Nellore, Nellore District,
   Rep.by its Correspondent M.Subramaniam
   S/o.Ankaiah, aged 38 years.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly in the nature of writ of mandamus declaring the proceedings of 3rd respondent in Rc.No.5227/B5/2001 dated 12.09.2001 as illegal, arbitrary and contrary to rules framed for establishing and recognizing new schools and consequently set aside the same.

Counsel for the Petitioner: MR.V.RAVINDER RAO

Counsel for Respondent Nos.1 to 3:GP FOR SCHOOL EDUCATION

Counsel for the Respondent No.4: MR.M.RAVINDRANATH REDDY

The Court made the following :

ORDER:

The petitioner is a recognized school. The proceedings of the third respondent dated 12.09.2001, granting provisional recognition to the fourth respondent to start a school with Classes I to V, has been impugned in the writ petition, *inter alia,* on the ground that the same is in violation of Rule 4 (1) of the Andhra Pradesh Educational Institutions (Establishment, Recognition, Administration and Control of Schools under private Managements) Rules, 1993 (for short "the Rules") and the G.O.Ms.No.1, Education (P.S.2) dated 1.1.1994.

The writ petition is opposed by the respondents 1 to 3, *inter alia,* on the ground that the Government has relaxed Rule 4 of the Rules. A copy of the Government Memo No.11702/PS-2/2002-2, dated 23.07.2002, is filed before this Court, which is made part of the record. Further, as held by a Division bench of this Court in **YERRAM VENKATA REDDY v. COMMISSIONER AND DIRECTOR OF SCHOOL EDUCATION, HYDERABAD**, Rule 4 of the Rules is not mandatory. Therefore, no relief can be granted to the writ petitioner.

Writ petition is accordingly stands dismissed. No costs.

_____

(V.V.S.RAO, J)

25th October, 2004.

Pan

To

1. The Secretary, Government of Andhra Pradesh,

   School Education Dept,

Secretariat, Hyderabad.

2. The Regional Joint Director,

School Education, Guntur, Guntur District.

3. The District Educational Officer,

Nellore, Nellore District.

4. Two C.Cs to the Govt.Pleader for School Education,

High Court buildings, Hyderabad. (OUT)

5. Two C.D. copies.